

Testimony of Peggy J. Bourne  
City Clerk/Records Manager  
City of Great Falls, Montana  
February 20, 2007 – 5:30 pm  
HB 693

Good morning –

My name is Peggy Bourne. I am the City Clerk/Records Manager for the City of Great Falls and have been in that position for 18 years. Prior to that I worked for the City of Fort Collins Colorado as a records manager and as a records management assistant for Meridian Land and Mineral Company which is a subsidiary of Burlington Northern Railroad. I have taught over 100 workshops on records management over the past 18 years and serve as the municipal representative on the Montana Local Government Records Advisory Committee.

This experience in working with public records is why I am here today to testify against HB693 – specifically against the proposed new language which states. (2) The schedules established under this section for retaining public documents must ensure that all public documents that are in electronic format, as described in 2-6-110, are retained for at least 7 years in a form that is accessible by the public."

The reason why I oppose this language is because it places an arbitrary retention period on information that happens to be in electronic form. It does not address the value the information is to the public agency or government or the general public.

Retention values are established for each record series regardless if the record is paper, electronic, a picture or on microfilm. This new section is a direct contradiction to the language contained within 2-6-403 which sets forth the requirement that a committee (the Montana Local Government Records Advisory Committee) made up of records management experts in the State of Montana establish a retention schedule for public records. The committee has spent years researching each record series and affixing a retention requirement that fits the value of the information contained in the records – without regard to its format.

Secondly, the costs alone to store 7 years of electronic records would be cost prohibitive. Let's examine different types of electronic records. Certainly there are electronic records that will be kept for more than 7 years -- check registers, payroll registers, etc are good examples of these.

However, there are many electronic records that are not kept for 7 years because the value to the organization and to the public does not warrant that records be kept that long. Examples include some email including spammed e-mail and software edit reports that allow staff to cross check their work.

According to the City of Great Falls IT Manager, out of 348,071 e-mail messages we receive annually only 22,891 were considered legitimate e-mails. He states that "out of these "legitimate" 22,891 e-mails one could easily declare that many of these were spam that got past the filter, as well as personal e-mails (jokes, communications with family and friends, etc...). The City of Great Falls is lucky that we have implemented a spam filter but not all entities are so fortunate. If this bill is meant to cover all e-mail that is addressed to our city domain then no one would be (or wish to be) compliant. Why would anyone wish to backup spam/junk e-mail? Would tax payers want us to spend time, effort and money on such matters?"

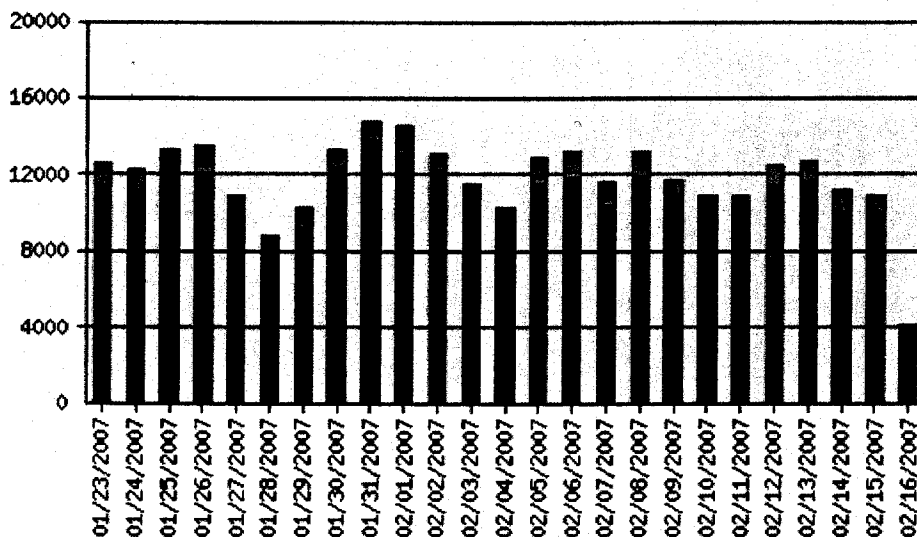
Another concern that our IT manager has is cost. Budgets are always tight and this bill is one that could seemingly affect how moneys are spent. Example: If this bill has the intent to keep all e-mails, then we are talking about the need for more massive server storage, greater backup capacities (adding more backup devices) and a lot more media (backup tapes). This is money

that cities and towns simply don't have. Please keep in mind this is one of many types of records that are kept in an electronic format.

#### E-Mail Stats

	Total	Today	This Hour
<b>Blocked</b>	312,532	3,655	421
<b>Blocked: Virus</b>	2,204	21	2
<b>Quarantined</b>	6,046	129	23
<b>Allowed: Tagged</b>	4,398	56	14
<b>Allowed</b>	22,891	207	86
<b>Total Received</b>	<b>348,071</b>	<b>4,068</b>	<b>546</b>

#### Daily Mail Stats



When reviewing this bill, I was wondering if Mr. Butcher's true intent was to ensure that electronic records that are retained for a period of 7 years or longer **can be accessed by the public**. As you know, we are in an era when technology supersedes itself before you complete learning how to use it. And because of this, sometimes we cannot access information because it was stored using technology that is no longer supported or in a format that can no longer be read. Examples are 8-track tapes for those non-IT types or floppy disks for the IT-comfortable types. If that is Mr. Butcher's intent, then I wholeheartedly concur with his thoughts and offer an amendment that would accomplish that.

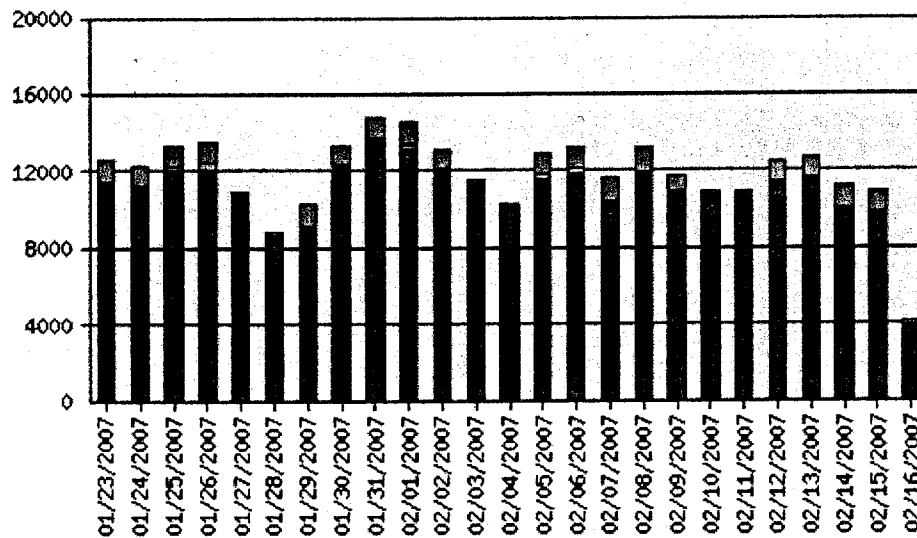
**Amendment:** "The schedules established under this section for retaining public documents must ensure that all public documents that are in electronic format, as described in 2-6-110 that are **required to be** retained for at least 7 years **must be made** accessible by the public."

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**Amendment:** "The schedules established under this section for retaining public documents must ensure that all public documents that are in electronic format, as described in 2-6-110 that are **required to be** retained for at least 7 years **must be made** accessible by the public."